

House File 216

HOUSE FILE _____
BY COMMITTEE ON PUBLIC SAFETY
(SUCCESSOR TO HSB 91)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to intelligence data and intelligence assessment
2 dissemination to an agency, organization, or person, and
3 providing an effective date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1 1 Section 1. Section 692.1, Code 2003, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 12A. "Intelligence assessment" means an
1 4 analysis of information based in whole or in part upon
1 5 intelligence data.
1 6 Sec. 2. Section 692.8, unnumbered paragraph 2, Code 2003,
1 7 is amended to read as follows:
1 8 Intelligence data in the files of the department may be
1 9 disseminated only to a peace officer, criminal or juvenile
1 10 justice agency, or state or federal regulatory agency, and
1 11 only if the department is satisfied that the need to know and
1 12 the intended use are reasonable. However, intelligence data
1 13 may also be disseminated to an agency, organization, or person
1 14 when disseminated for an official purpose, and in order to
1 15 protect a person or property from a threat of imminent serious
1 16 harm. Whenever intelligence data relating to a defendant or
1 17 juvenile who is the subject of a petition under section 232.35
1 18 for the purpose of sentencing or adjudication has been
1 19 provided a court, the court shall inform the defendant or
1 20 juvenile or the defendant's or juvenile's attorney that it is
1 21 in possession of such data and shall, upon request of the
1 22 defendant or juvenile or the defendant's or juvenile's
1 23 attorney, permit examination of such data.
1 24 Sec. 3. Section 692.8A, Code 2003, is amended to read as
1 25 follows:
1 26 692.8A ~~REDISSEMINATION~~ DISSEMINATION OF INTELLIGENCE DATA.
1 27 1. A criminal or juvenile justice agency, state or federal
1 28 regulatory agency, or a peace officer shall not disseminate
1 29 intelligence data, which has been received from the department
1 30 or bureau or from any other source, outside the agency or the
1 31 peace officer's agency unless all of the following apply:
1 32 1- a. The intelligence data is for official purposes in
1 33 connection with prescribed duties of a criminal or juvenile
1 34 justice agency.
1 35 2- b. The agency maintains a list of the agencies,
2 1 organizations, or persons receiving the intelligence data and
2 2 the date and purpose of the dissemination.
2 3 3- c. The request for intelligence data is based upon
2 4 name, fingerprints, or other individually identified
2 5 characteristics. The agency disseminating the intelligence data
2 6 is satisfied that the need to know and the intended use are
2 7 reasonable.
2 8 2. Notwithstanding subsection 1, a criminal or juvenile
2 9 justice agency, state or federal regulatory agency, or peace
2 10 officer may disseminate intelligence data to an agency,
2 11 organization, or person when disseminated for an official
2 12 purpose, and in order to protect a person or property from a
2 13 threat of imminent serious harm, and if the dissemination
2 14 complies with paragraphs "b" and "c" of subsection 1.
2 15 3. An agency, organization, or person receiving
2 16 intelligence data from a criminal or juvenile justice agency,
2 17 state or federal regulatory agency, or a peace officer
2 18 pursuant to this chapter may only redisseminate the
2 19 intelligence data if authorized by the agency or peace officer
2 20 providing the data. A criminal or juvenile justice agency,
2 21 state or federal regulatory agency, or a peace officer who

2 22 disseminates intelligence data pursuant to this chapter may
2 23 limit the type of data released in order to protect the
2 24 intelligence methods and sources used to gather the data, and
2 25 may also place restrictions on the redissemination by the
2 26 agency, organization, or person receiving the intelligence
2 27 data. An agency, organization, or person receiving
2 28 intelligence data is also subject to the provisions of this
2 29 chapter and shall comply with any administrative rules adopted
2 30 pursuant to this chapter.

2 31 4. This section shall not be construed to prohibit the
2 32 dissemination of an intelligence assessment to any agency or
2 33 organization if necessary for carrying out the official duties
2 34 of the agency or organization, or to a person if disseminated
2 35 for an official purpose, and if necessary to protect a person
3 1 or property from a threat of imminent serious harm.

3 2 Sec. 4. Section 692.18, unnumbered paragraph 2, Code 2003,
3 3 is amended to read as follows:

3 4 Intelligence data in the possession of ~~the department or~~
3 5 ~~bureau, a criminal or juvenile justice agency, state or~~
3 6 ~~federal regulatory agency, or peace officer~~ or disseminated by
3 7 ~~the department or bureau such agency or peace officer~~, are not
3 8 public records within the provisions of chapter 22.

3 9 Sec. 5. EFFECTIVE DATE. This Act, being deemed of
3 10 immediate importance, takes effect upon enactment.

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